

In the Proceeding 99-25, I should like to offer comments.

Regarding LPFM maximum power levels I would contend that there is no valid reason to limit LPFM to 100 watts. At least allow LPFM the same foothold as translators, 250 watts ERP. Even the tower height, I feel, should equate to translator standards.

In regard to interference complaints, I think you need to take a step back here. You are the authorizing agency who approves and disapproves applications and creates the rules that stipulate what is allowed. If we cannot look to you to be solid in your footing, it is a sad day for radio and all regulated media. If the rules are in place, acceptable and proven to your satisfaction to be adequate, then there is no higher authority or reason to question. To lay interference complaints on intentionally economically disadvantaged LPFM and encourage complaints via on air announcements is wrong-headed thinking. I have been in the radio business 34 years. I know the mentality. Let me quote a friend who owns a station. He said if a LPFM showed up in his community and took even ONE of his listeners, he'd destroy them by any legal means possible. I find such thinking more common than not among those who work so hard to pay off their incredible investment of time and money involved in a commercial facility. It is plainly Russian Roulette for the LPFM station and reason to give second thought to any applicant.

On this matter, I shall offer another example between two radio stations I was privy to. An AM daytimer wanted a nighttime service, under 10 watts, but a 50 kilowatt AM station owner filed an objection although he was about 500 miles away. His lawyer talked to their lawyer and point blank was told by the attorney representing the 50 kw. facility his client would never stop until the nighttime application was denied or dropped because he 'owned' the frequency and nobody anywhere was going to do anything on that frequency if he could stop it. Interference in his FCC sanctioned coverage area was not an issue.

Granted, there are many wonderful broadcasters that welcome LPFM and my comments are not designed to shed a negative light on the full power licensee as these stations I mention are stellar broadcasters. I want, instead, to enlighten you to the real threat facing the LPFM if said interference complaints are encouraged. The truth be told, there is room for both to exist without overlap. What your lengthy report on LPFM failed to point out was the fact the LPFM tends to receive revenue from Mom and Pop businesses that cannot afford an advertising schedule on the full power station. The Mom and Pop might be able to afford one or two commercials a month on the full power station while enjoying a daily name mention on the LPFM that is heard in their trade area for the same dollars. With the very limited budgets of America's owner/operator small businesses, the LPFM option to increase awareness of their business at an affordable expenditure is certainly good for local economies and governmental agencies that see local dollars spent locally.

As to current translator rules, to handicap LPFM with the burden of finding a willing entity to rebroadcast their signal is quite discriminatory. As a manager of an AM daytimer, my owner can get a translator. The NCE can do the same. Why on earth would LPFM be excluded? Perhaps I am missing some point but it seems to me the rules are set to strictly limit LPFM although the concept of the LPFM is a perfect example of how you expect a licensed facility to operate. Quite frankly, it seems like you amputate the LPFM at the knees and say, go ahead and run the Boston Marathon with the big boys. If you want to see the shining example of what you want radio to be and how LPFM can achieve this, LPFM must have the handcuffs removed allowing it to become what you intend it to be.

Second adjacent waivers should be allowed, especially for first service. I believe the LPFM to be distinctly disadvantaged in this instance. It sure is hard for the 1 watt light bulb to shine out when a 100 watt bulb is glowing right next to it. Also, minimum separation is fine but a real world option should be available should minimum separation not work. Is this not already the way AM frequencies are determined (by real world measurements)?

Should the consideration be an emphasis on local operation of the station versus community based organization? Is it not more important for the organization be active in the day to day operation versus being local? Being local can mean putting up a satellite dish but involved in the day-to-day generally means more than a closet with a dish outside.

Hands down, based on FCC Rules and the 'intent' or 'spirit' of the rules, LPFM is Local! Translators are not. Their very existence is stipulated to only allow local input up to 30 seconds per hour except in the case of those running an AM counterpart. The Local emphasis of LPFM and the fact LPFM is a stand alone in all cases should in all fairness make the LPFM more of a priority than the translator.

On multiple ownership, if there's a rule, it is a rule, no exceptions. Why create discrimination for the sake of giving one racial entity an upper hand over another. What you attempt to accomplish is precisely the opposite of its intent.

As for changing the point system and eligibility, I have mixed opinions. On one hand this is important but it does not always favor the best qualified candidate. As we have seen, many non-broadcast entities have won stations and as many as 1/3rd have failed. The best entity might have been one that had the ability to tap into someone with radio experience or an entity that may have been a better option for the community. Certainly the local programming option is much like a law without teeth. One could intend to be local, even live, but soon learn the logistics make such impossible. Might it be local if I run my computer 24/7 from my closet offering nothing but my personal music library versus a station with a volunteer staff and true outreach in the community? If you want LPFM to flourish the door has to be open to as many as possible.

I am very encouraged at the opportunity for 250 watts ERP. It won't hit all the underserved area where no full power station can fit (most stations moved away although this area has doubled in population in the last decade) but it gets closer than 100 watts. I'm scared, though, at making such an investment only to have full power stations potentially manipulating complaints that would either run the bank account dry, causing us to go dark or simply forcing us from the air before having to dissolve. Certainly, my goal is to serve an underserved area. Radio is a part of me and serving the community is what radio should be in my mind. I think we are of the same mindset. To have honorable intentions and desires to be met by such burdens makes a dream appear much more like something that could easily become a terrible nightmare.

I am for: 250 watts ERP and ANY power and antenna height up to the maximum that covers the 'hole' for LPFM. I am for eliminating the burden of possible interference with clear cut authoritative use of the FCC rules with only 'founded' complaints where FCC Rules are violated being valid. I am for LPFM owned translators.

I write these comments based on being a radio broadcaster, managing a radio station and 34 years in the business. I have always loved radio from the days of first grade when I'd announce records to a pencil, pretending to be on the radio. I know the business from management down to on the air and selling advertising face to face. I know radio from the non-commercial and commercial sides. I know many broadcasters and how they think. My comments are not just my own but based on the many radio people I know.

Thank you.

Bill Turner